

2, Applicant uses that upwardly moving air to his advantage, by diverting it over his head. Applicant does not have an interest in capturing any part of that that ram air and perhaps cooling his body--by forcing that air into his jacket. And what the Examiner is erroneously calling "deflector 40" Golde is calling a ventilation opening, i.e., a hole in his coat. His flap 66 does serve two purposes: 1) to securely capture anything that is placed within pocket 82, and 2) to keep rain out of the coat. And if such a flap can be said to have an operative position, that position would be closed--and that flap would be held there by hook and loop fasteners (e.g., Velcro). As such, a flap as disclosed by Golde will not deflect any air--in the ordinary sense that Applicant and those skilled in the art would be using that word. (Applicant is referring to deflection in the same way that we think of a windshield on a motorcycle or a boat as it deflects ram air.)

To add some clarity to Applicant's claim 1, a direction has been added, although it should have been obvious to a careful reader. To even more precisely distinguish Applicant's air-deflecting flaps --from the closure flaps shown by Golde, Claim 1 has been amended to state that the hinge line (about which the flap rotates) is generally horizontal--as shown in Fig. 9; this contrasts with the essentially vertical "hinge" lines of Golde's flap 70 (Fig. 7), adjacent Golde's vertical zipper 68. As a result, the ram air described by Applicant will be deflected upwardly (over the rider's head).

Claim 3 was rejected under 35 USC 103 as unpatentable--as obvious--in comparison with Golde (5,845,336). But the Examiner has not cited any reference that shows an air deflector, nor any reference to dealing with the ram air that comes from a space that is below a moving cycle. Hence, the Examiner's conclusion must be traversed.

Claim 4 and 5 were rejected under 35 USC 103 as being obvious in comparison with the two Golde references (including US Patent 6,263,510 entitled "Venting Garment"). The Examiner has called the scoop 134 that grabs at least some air and forces it into his jacket (through a jacket opening as an "air deflector".) But Applicant cannot find what the Examiner is calling an "effective

hinge” with regard to the scoop 134. In the drawing (Fig. 7) the scoop is sectioned as a solid foamed material. There is also disclosure of unzipping the scoop 134 and removing it, and replacing the scoop with a closure member 54, i.e., a patch.(column 9, lines 14-16.) The so-called “effective hinge” is not illustrated by Golde.

Claim 6 was categorized as containing patentable subject matter, but was recognized as being dependent on rejected Claim 1.

Claims 7, 8, 10, 11, and 13 and 19 were rejected under 35 USC 102 as being fully met by Bay (6,263,510). These rejections must also be traversed, because it is believed that the Bay “Ventilation Garment” cannot add anything to the Golde disclosures. Like Golde, Bay is concerned with “bleeding” air into a jacket, through holes in the jacket, to “cool” a rider. He has rain-protection flaps, e.g., flap 61, but he has nothing that deflects air as described by Applicant.

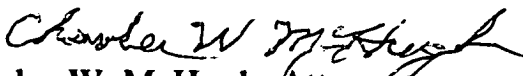
Claims 9 and 14-18 were rejected under 35 USC 103 as being obvious in comparison with Bay (6,263,510). Applicant cannot find in Bay any suggestion of deflecting air, wherein a hinged flap is used to accomplish that deflection or not. Allowing air to infiltrate an otherwise closed jacket does not meet the requirement recited for air-deflection given by Applicant. For clarification, Applicant is not talking about the “weight/force of the user”. Rather, Applicant is talking about the weight of an air-deflecting flap--which is responding to the upward force (or lack thereof) of ram air that is coming up from near the rider’s feet.

With regard to Claim 14, it teaches that ram air can be deflected, and the rider’s eyes can be protected by such deflected air, without the need for a leather jacket that is favored by so many motorcycle riders.

With regard to Claims 15, 16, 17 and 18, it is Applicant’s position that he is legally entitled to recite preferred details of his invention--including details that resulted from 1) his discovery that the source of bothersome air comes from below, not just the front, and 2) having made this initial discovery, he then discovered that that upwardly moving air can be “tamed” by deflecting it upward

and over his head. To the extent that the Examiner considers his solutions to be "obvious," this opinion is respectfully traversed. And until some reference can be shown that teaches what is believed to be Applicant's first discovery, then his second discovery is entitled to respect. Hence, these claims are believed to be patentable, along with the other patentable claims.

Respectfully,
Jack G. Halterman

By 
Charles W. McHugh, Attorney
Registration No. 22,976

MAILING CERTIFICATE: I hereby certify that this correspondence is being deposited, with U.S. postage prepaid as First Class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 4, 2007.

